



**Petition Number:** 1606-DDP-21

**Subject Site Address:** 303 E. 161st Street

**Petitioner:** Noah Herron of Urban Vines, LLC

**Request:** Detailed Development Plan approval for a vineyard and winery building on 5 acres +/-, and associated waivers.

**Current Zoning:** AG-SF1: Agriculture/Single Family Rural District

**Current Land Use:** Agriculture

**Approximate Acreage:** 5 acres+/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Site Plan
4. Elevations
5. Landscaping Plan
6. Acknowledgement of Variance

**Zoning History:**

1604-SE-01 Special Exception (04/12/16)  
1604-VS-07 Variances of Development Standard (04/12/16)

**Staff Reviewer:** Rachel Johnson, AICP, PLA, ASLA  
Loci Creative, LLC

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## **PROCEDURAL**

Approval of a Development Plan must be granted if the submitted plan demonstrates compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

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## **PROJECT OVERVIEW**

The 5 acre +/- site is located on the south side of 161st Street, between Oak Ridge Road and Spring Mill Road (see **Exhibit 2**), and is currently undeveloped agricultural land. The applicable zoning district is AG-SF1: Agriculture/Single Family Rural District. The project is for the construction of a vineyard and winery on 5 acres +/-, and associated waivers. On April 12, 2016, the Board of Zoning Appeals approved a Special Exception of an Agritourism Use to allow the proposed vineyard and winery (1604-SE-01) and related Variances of Development Standard for landscaping, architecture and parking standards (1604-VS-07).

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**SUBDIVISION CONTROL WAIVERS:**

As further noted herein, the Petitioner is requesting two (2) subdivision control waivers for the following standards:

Article 8.7(D) Perimeter/External Pedestrian Network Standards: All developments shall participate in the establishment or improvement to the pedestrian network along Streets adjacent to its perimeter in accordance with UDO standards.

Article 8.7(C)(4) Internal Pedestrian Network Standards: Connector sidewalks shall be provided from the sidewalk or path adjacent to the Street to the front entrance of all non-residential structures.

Pursuant to Article 7.3(C) of the UDO, the Plan Commission, in its discretion, may grant a waiver from standards required by CHAPTER 8: DESIGN STANDARDS of the UDO. Such waiver shall be entered into the minutes of the Plan Commission together with the reasoning for the departure from the required standards. As a condition of granting a waiver, a commitment may be made in accordance with Article 10.6 Commitments of the UDO. A waiver may only be granted upon finding that:

1. The proposed development represents an innovative use of site design, site access design, site circulation design, building orientation, building materials, and landscaping which will enhance the use or value of area properties.
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of the community.
3. The strict application of the Ordinance standard will result in a development of the real estate which is undesirable when compared with the proposed development.
4. The proposed development is consistent with and compatible with other development located in the area.
5. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.

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**DEVELOPMENT PLAN (Article 10.7(G) of the UDO):**

**The plans comply.**

- 1) Title, scale, north arrow and date.
- 2) Proposed name of the development.
- 3) Area map insert showing the general location of the site referenced to Streets, section lines and alternative transportation plan system, as well as the Zoning District and use of adjacent property.
- 4) Address and legal description of the property.

- 5) Boundary lines of the property including all dimensions.
- 6) Location, name, centerline and width of all Streets, Private Streets, Alleys, access easements and alternative transportation plan system improvements that are existing or proposed to be located within or adjacent to the property.
- 7) Location, centerline and width (at the Lot Line) measurements of any proposed or existing Driveways within two hundred (200) feet of the property, and any connection to an Alley must be indicated.
- 8) Location and dimensions of primary vehicular ways in and around the proposed development, including depictions of all travel lanes, turning movements, vehicle storage areas and tapers.
- 9) All proposed Street and Driveway improvements, both on and offsite, including measurement of curb radius and/or taper.
- 10) Location and dimensions of existing and proposed sidewalks, pathways, trails or other alternate transportation plan improvements.
- 11) Layout, number, dimension and area (in square feet and acres) of all Lots and Outlots with Building Setback Lines.
- 12) Location and dimensions of all existing structures and paved areas.
- 13) Location and dimensions of all proposed structures and paved areas (indicated by cross-hatching).
- 14) Location of all Floodplain areas within the boundaries of the property.
- 15) Names of legal ditches and streams on or adjacent to the site.
- 16) Location and feasibility statement of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
- 17) Identify buildings proposed for demolition.
- 18) Areas of the property reserved for Development Amenities, Open Space and other similar uses.
- 19) Use of each Lot and/or building by labeling, including approximate density or size of proposed uses and buildings (e.g., number of parking spaces, Dwelling Units, Gross Floor Area, Living Area).
  - 20) Label Building Separation and/or Building Setback Lines in relation to Front, Rear and Side Lot Lines.

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**DEVELOPMENT PLAN REVIEW (Article 10.7(E) of the UDO):**

Development Plans shall comply with and be reviewed by the Plan Commission upon finding that the Development Plan is in compliance with the following requirements:

- 21) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.
- 22) Compliance with all applicable provisions of any Overlay District in which the real estate is located.

**Comment:** The property is not subject to an Overlay District.

- 25) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
  - a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
  - b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
  - c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
- 23) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

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**COMPLIANCE WITH CONDITIONS OF APPROVAL**

On April 12, 2016, the Board of Zoning Appeals approved a Special Exception of an Agritourism Use to allow the proposed vineyard and winery (1604-SE-01) and related Variances of Development Standard for landscaping, architecture and parking standards (1604-VS-07). The approvals were subject to the following conditions:

- 24) The Agritourism Use shall be developed and operated in substantial compliance to the Petitioner's Narrative and Site Plan Exhibit, as revised and attached hereto as Exhibit B and Exhibit C, respectively, subject to review and approval for compliance with applicable ordinances and laws of the development plan and appropriate permits. Any expansion or substantial alteration to the scope and operation of the Agritourism Use, as determined by the Director, shall require approval by the Board.
- 25) The standards of Chapter 6 and Chapter 8 of the Unified Development Ordinance that are applicable to nonresidential uses and buildings in a Business District shall apply to the Agritourism Use, except as otherwise varied by an approved variance of development standard, or waiver by the Plan Commission as part of a Detailed Development Plan approval.

- 26) The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department prior to the approval of a development plan and/or issuance of a building permit for the property.
- 27) Approval shall be subject to the approval of a Detailed Development Plan that ensures that adequate surface design, parking space delineation, and maintenance is provided (e.g., for storm water management, traffic circulation and management, and emergency equipment access), as deemed appropriate by the City (e.g., Department of Public Works, Fire Department, Economic and Community Development Department) and County Surveyor's Office.
- 28) Buildings on the Property shall exceed or be substantially similar in quality and character to the Illustrative Character Exhibit, attached hereto as Exhibit D.

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#### **DISTRICT STANDARDS**

**The plans comply with Article 4.2 (AG-SF1: Single-Family Rural District).**

- 29) Permitted Land Uses: The proposed use is permitted pursuant to 1604-SE-01.
- 30) Minimum Lot Area: 3 acres
- 31) Minimum Lot Frontage: 250 feet
- 32) Minimum Building Setback Lines:
- a) Front Yard: 100 feet
  - b) Side Yard: 30 feet
  - c) Rear Yard: 30 feet
- 33) Minimum Lot Width: 100 feet
- 34) Maximum Building Height: 2.5 stories
- 35) Agricultural-Related Buildings:

**Comment: Please see review comments herein regarding Chapter 6 of the UDO.**

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#### **DEVELOPMENT STANDARDS (Chapter 6 of UDO)**

**The plans comply, as applicable to a Detailed Development Plan, except for those items identified as outstanding below:**

- 36) Accessory Use and Building Standards (Article 6.1)
- a) Screening of Receptacles and Loading Areas (Article 6.1(H))

37) Architectural Standards (Article 6.3)

**Comment:** Does not apply pursuant to 1604-VS-07; however, the condition of approval requires buildings to exceed or be substantially similar in quality and character to the Illustrative Character Exhibit. Since the public hearing, the petitioner has revised the proposed building's design, as depicted in Exhibit 4, to address the comments from the public hearing.

38) Building Standards (Article 6.4)

39) Fence Standards (Article 6.5)

40) Height Standards (Article 6.6)

41) Landscaping Standards (Article 6.8):

- a) General Landscape Design Standards (Article 6.8 (G))

Comment: Please correct scale on Landscaping Plan sheet C2.4.

- b) General Screening Standards (Article 6.8(H))
- c) Detention and Retention Areas (Article 6.8(I))
- d) Street Trees (Article 6.8(J))
- e) Minimum Lot Landscaping Requirements (Article 6.8(K))

**Comment:** Does not apply pursuant to 1604-VS-07.

- f) Foundation Plantings (Article 6.8(L)): Plant materials shall be required approximately every forty (40) feet of Building Facades. Plant materials shall also be required along the Front Building Façade of all Buildings at a minimum ratio of one (1) shrub or ornamental tree per twelve (12) lineal feet.
- g) External Street Frontage Landscaping (Article 6.8M)

**Comment:** Does not apply pursuant to 1604-VS-07.

- h) Buffer Yard Requirements

**Comment:** Does not apply pursuant to 1604-VS-07.

- i) Parking Area Landscaping:

**Comment:** Does not apply pursuant to 1604-VS-07.

- j) Perimeter Parking Area Landscaping: 1 tree per 30 linear feet of parking area length. Minimum 1 shrub per 3 feet of parking area length.

45) Lighting Standards (Article 6.9)

- a) All Light Fixtures shall be Fully Shielded and direct light downward toward the earth's surface. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent Lots and Rights-of-way.

- b) Light pole height shall not exceed twenty-five (25) feet. All Light Fixtures in Parking Areas shall be designed and located to confine emitted light to the Parking Area.
- c) Light meter readings shall not exceed one (1.0) foot candle at all Lot Lines.
- d) All Parking Area lighting shall be reduced (e.g., turned off or dimmed) by a minimum of thirty percent (30%) within thirty (30) minutes of closing of the last business or no later than 11:00 p.m.

42) Lot Standards (Article 6.10)

43) Outside Storage and Display (Article 6.12)

44) Outdoor Café and Eating Areas (Article 6.13)

45) Parking and Loading Standards (Article 6.14)

46) Setback Standards (Article 6.16)

47) Sign Standards (Article 6.17)

48) Vision Clearance Standards (Article 6.19)

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#### **DESIGN STANDARDS (Chapter 8 of UDO)**

**The plans comply, subject to the Plan Commission's approval of the waivers noted below.**

49) Easement Standards (Article 8.3)

50) Open Space and Amenity Standards (Article 8.6)

51) Pedestrian Network Standards (Article 8.7) All developments shall integrate interior and exterior pedestrian network.

**Comment: Petitioner has requested a waiver from the Pedestrian Network Standards in order to delay the installation of pedestrian facilities along 161st Street (Article 8.7(D)) and to not require a sidewalk connection from 161st Street to the non-residential structure's front entrance (Article 8.7(C)(4)).**

**The Department recommends that if the Plan Commission approves the waiver to delay the installation of the multi-purpose path, then the waiver is conditioned upon the property owner installing the path by July 1, 2021, or prior to the issuance of a Certificate of Occupancy for the building, whichever occurs later.**

52) Street and Right-of-Way Standards (Article 8.9)

53) Surety Standards (Article 8.12)

54) Utility Standards (Article 8.13)

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## **DEPARTMENT COMMENTS**

- 1) If the Plan Commission believes the petitioner has addressed their comments regarding the proposed building architecture, then the Detailed Development Plan complies with the applicable zoning ordinances, and variances associated with the site, subject to the Plan Commission's approval of the requested waivers.
- 2) **Recommended Action:** The Department recommends approving the Detailed Development Plan and requested waivers subject to the condition and findings recommended in the Department report (as noted below).
- 3) **Waivers:** The Department recommends approval of the two (2) requested subdivision control waivers, with the following findings and condition:
  - a) **Waiver Standards:**

Article 8.7(D) Perimeter/External Pedestrian Network Standards: All developments shall participate in the establishment or improvement to the pedestrian network along Streets adjacent to its perimeter in accordance with UDO standards.

Article 8.7(C)(4) Internal Pedestrian Network Standards: Connector sidewalks shall be provided from the sidewalk or path adjacent to the Street to the front entrance of all non-residential structures.
  - b) **Recommended Condition:** The property owner shall install the multi-purpose path along the property's 161<sup>st</sup> Street frontage by July 1, 2021, or prior to the issuance of a Certificate of Occupancy for a building on the property, whichever occurs later.
  - c) **Recommended Findings (Article 7.3(C)):**
    - i. The proposed development represents an innovative use of site design, site access design, site circulation design, building orientation, building materials, and landscaping which will enhance the use or value of area properties.
    - ii. The proposed development will not be injurious to the public health, safety, morals or general welfare of the community.
    - iii. The strict application of the Ordinance standard will result in a development of the real estate which is undesirable when compared with the proposed development.
    - iv. The proposed development is consistent with and compatible with other development located in the area.
    - v. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.
- 4) If the waivers requested are not approved, then the plans do not comply with the applicable zoning ordinances. If this occurs, then the Department recommends continuing the petition to the next Plan Commission meeting to allow the petitioner an opportunity to revise the plans to bring them into compliance.



- 5) If any Plan Commission member has questions prior to the public hearing, then please contact Rachel Johnson at 317-716-6682 or [rachel@locicreativeinc.com](mailto:rachel@locicreativeinc.com), or Jesse Pohlman at 317.402.4380 or [jpohlman@westfield.in.gov](mailto:jpohlman@westfield.in.gov).